

Oregon House Bill 3827; 71st Legislative Assembly – Regular Session 2001. Salem: Oregon State Printing Office, 2001. (Reviewed by Whitney Avery)

House Bill 3827 attempts to alter the water use patterns in the Willamette River basin. It mandates that “rivers and streams with water impoundments should be regulated in a manner that mimics the natural flow of the waters, *to the greatest extent practicable*.” (emphasis added) The bill also adds that “State agencies . . . shall encourage the United States Army Corps of engineers to effectuate the policies stated in this section.” The largest portion of the bill is focused on defining what constitutes a water user. It then instructs that each water user shall install a water-measuring device and report their water use to the Water Resources Commission on a schedule determined by the agency. The main thrust of the bill is to insure adequate in-stream flows. This is meant to affect and combat problems regarding the dwindling fish populations as a result of current water use and flood control methods that surround the dams in the Willamette River basin.

Critique

This bill is fraught with problems. It is asserting a new policy over a group on which it has no direct control (the Army Corps of Engineers). The language in the bill is also weak. It says that these policies are to be pursued “to the greatest extent practicable.” I believe that this refers directly to all of the people that already have claims and permits for use of the water. The amount of current water usage would make it difficult to ensure adequate in-stream flows. The bill also says nothing about who is going to pay for, maintain and ensure the accuracy of these water-measuring devices.

What I see in this bill is an amiable and important idea that will be lost among the bureaucracy that surrounds water quality and environmental agency politics. However, success of this bill and related bills is essential to the protection of Oregon's native fish species. We know from research that many of the current water use practices are harmful to fish and result in lower than normal fish populations. Without some change being effected to these policies the problems will only be compounded. This bill does elucidate some of the struggles that are going on to protect fish and other environmental concerns surrounding water health. It is not just inept agencies that aren't able to effectuate policy. There are many people who are dependent on the water from the Willamette River basin who will be adversely affected, or they will perceive that they will be adversely affected by such changes. Unfortunately, these struggles are only going to persist and I think that bills similar to this with stronger wording are only one of the components that need to be in the mix for the fish to get the kind of habitat that they need.

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